IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.892 of 2006
In
Criminal Application No.5410 of 2005

Ms.Ishita Rakesh Shah — Applicant
Vs.
Mr.Nitin Balkishan Bihani & anr. — Respondents

Mr.M.H.Sokar for applicant.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.
July 23, 2007.

P.C.

. Heard the learned counsel for the applicant who was the original complainant before the learned Metropolitan Magistrate in Criminal Case No.317/S/2003 and the case was dismissed. The said order came to be challenged by filing Criminal Application No.5410 of 2005 seeking leave to appeal under Section 378(4) of Cr.P.C. The said application came to be dismissed for non-prosecution as per the common conditional order dated 23/11/2005 passed by this Court. Hence this application for restoration which is filed belatedly.

. Delay condoned and the application is allowed in terms of prayer clause (b)

(B.H.MARL